

which butter is manufactured exclusively from pure milk or cream, or both, with or without salt or harmless coloring matter.

It is no defense to an indictment under this section that oleomargarine served was a wholesome article imported from another state. *Hancock v. State*, 89 Md. 724 (decided prior to act, 1900, ch. 496).

See notes to secs. 170 and 171.

An. Code, 1924, sec. 160. 1912, sec. 139. 1910, ch. 437 (p. 87).

174. Anyone violating any of the provisions of sections 170-173 shall for the first offense be punished by a fine of not less than \$25, or more than \$200; for a second offense, a fine of not less than \$100, or more than \$500; or by imprisonment of not less than thirty days or more than six months, or both.

Fraud—Conversion by Factors of Consigned Goods.

An. Code, 1924, sec. 161. 1912, sec. 140. 1904, sec. 126. 1888, sec. 92. 1888, ch. 293.

175. Any factor, commission merchant or consignee, or any person selling goods on commission, or the agent, clerk or servant of such person, who shall convert to his own use any provisions, fruits, flour, meat, butter, cheese or any other property, or the proceeds of the same, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any court of this State having criminal jurisdiction shall be fined not more than one thousand dollars or be imprisoned not exceeding six months, or both, in the discretion of the court; and the failure to pay over the avails or proceeds received by any factor, commission merchant, consignee or person selling goods or produce on commission, less his proper charges, within five days after receiving the money or its equivalent from the purchaser or purchasers of said goods or produce and demand made therefor by the person entitled to receive the same, or his or her duly authorized agent, shall be *prima facie* evidence in any court of law in this State to establish the conversion of said goods or produce.

As to "Agents and Factors," see art. 2.

An. Code, 1924, sec. 162. 1912, sec. 141. 1904, sec. 127. 1890, ch. 619, sec. 92A.

176. Every factor, commission merchant or consignee, and every person selling on commission any farm products of persons within this State, such as vegetables, fruit, grain, tobacco, poultry, eggs, cattle, swine or any other farm products whatsoever, shall require of every purchaser at the time of making such sale or sales to deposit with such factor, commission merchant, consignee or agent the full market value of all vessels, such as crates, boxes, barrels, bags, baskets, casks or any other vessel or vessels used in the packing and transportation of any such farm products, to be fixed by such factor, commission merchant, consignee or agent. Such deposit shall be refunded to such purchaser or to the person entitled to receive the same in case he brings back within five days and delivers to such factor, commission merchant, agent or consignee the aforementioned vessel or vessels in as good condition as when he received the same; and if any purchaser shall fail to return such vessel or vessels within five days after receiving the same, the said deposit shall be considered as forfeited, and the said factor, agent, consignee or commission merchant shall pay the same over to the owner of such vessel or to the person entitled to receive the same at the next ensuing settlement of accounts with such owner or person; and it shall be the duty of every such factor, agent, consignee